

Message Text

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FM SECSTATE WASHDC

INFO AMCONSUL ZURICH 1994

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FOLLOWING REPEAT SECSTATE 136709 ACTION PARIS BRUSSELS
THE HAGUE BERN INFO OECD PARIS 25 JUNE 1974. QUOTE:

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E.O. 11652: N/A

TAGS: ETRD, OECD

SUBJ: ANTI-TRUST INVESTIGATION OF CERTAIN FOREIGN AIR
CARRIERS

1. DEPARTMENT OF JUSTICE HAS JUST INFORMED US THAT DISTRICT
OF COLUMBIA GRAND JURY IS EXAMINING POSSIBLE VIOLATIONS OF
ANTI-TRUST LAW BY PANAM, TWA, AIR FRANCE, SWISS AIR, KLM
AND SABENA ARISING OUT OF ALLEGED GENEVA MEETING OF DECEM-
BER 1972 FOLLOWING IATA CONFERENCE.

2. IN CONNECTION WITH GRAND JURY INVESTIGATION, DOJ IS
SEEKING INFORMATION FROM BELIEVED PARTICIPANTS REGARDING
POSSIBLE PRICE FIXING AT ALLEGED GENEVA MEETING. PERSONS
INVOLVED ARE: H. ADDA, AIR FRANCE; J.G. VAN REEKEN, KLM;
L. ANDRIES, SABENA; AND J.R. HAGEDORN, SWISSAIR. BECAUSE
SOME BELIEVED PARTICIPANTS THOUGHT NOW IN U.S. AT IATA
MEETING, DOJ HAS REQUESTED U.S. COUNSEL FOR FOREIGN CAR-
RIERS TO PROVIDE ASSURANCES BY C.O.B. WEDNESDAY, JUNE 26
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THAT FOREIGN CARRIERS WILL VOLUNTARILY PROVIDE RELEVANT

DOCUMENTS AND PRODUCE ALLEGED INDIVIDUAL PARTICIPANTS TO TESTIFY BEFORE GRAND JURY. IF SUCH ASSURANCES NOT FORTHCOMING, DOJ INTENDS TO OBTAIN DOCUMENTS BY SUBPOENA SERVED ON U.S. COUNSEL OR U.S. CORPORATE OFFICES OF FOREIGN CARRIERS AND ALSO INTENDS TO SERVE PERSONAL SUBPOENAS ON ALLEGED INDIVIDUAL PARTICIPANTS WHILE THEY ARE IN U.S. (I.E., UNTIL THEY LEAVE IATA MEETING SCHEDULED TO END

FRIDAY, JUNE 28). DOJ INTENDS TO SERVE SIMILAR SUBPOENAS

ON ALL SIX CARRIERS (INCLUDING PANAM AND TWA).

3. DOJ WILL NOT DEMAND IMMEDIATE PRODUCTION OF RECORDS OR OFFICIALS, BUT WILL GIVE UNTIL AUGUST 5 TO RESPOND, DURING WHICH TIME FOREIGN CARRIERS AND INDIVIDUALS WOULD BE ENTITLED TO RAISE ANY OBJECTIONS OR DEFENSES AVAILABLE. DOJ WILL NOT SEEK TO DETAIN FOREIGN CARRIER OFFICIALS OR PREVENT THEM DEPARTING FROM U.S. ALSO AUGUST 5 DATE IS FLEXIBLE AND CAN BE CHANGED TO ACCOMMODATE WITNESSES.

4. PLEASE INFORM APPROPRIATE HOST GOVERNMENT OFFICIALS (SEE PARA 5) OF ABOVE IN ACCORDANCE WITH OECD NOTIFICATION PROCEDURES. EMPHASIZE (A) NO DISCRIMINATION AGAINST FOREIGN CARRIERS; (B) PRELIMINARY NATURE OF INQUIRY, I.E., AT THIS POINT GRAND JURY MERELY SEEKING INFORMATION; INQUIRY WILL NOT NECESSARILY LEAD TO CRIMINAL INDICTMENT OR CIVIL SUITS; AND (C) SHORT NOTICE NECESSITATED BECAUSE FOREIGN AIRLINE OFFICIALS WILL BE WITHIN U.S. JURISDICTION ONLY SHORT PERIOD OF TIME AND ARE PROBABLY LEAVING FRIDAY. FULLER CONSULTATIONS WILL BE UNDERTAKEN AT REQUEST OF ANY FOREIGN GOVERNMENT BEFORE ANY PROSECUTION OR CIVIL ACTION INITIATED BY U.S. WE HAVE TELEPHONED LOCAL EMBASSY OFFICIALS TO ADVISE OF ABOVE. PLEASE REPORT REACTIONS.

5. ACCORDING TO THE OECD, NOTIFICATION SHOULD BE MADE TO:

FRANCE

MINISTRY OF FOREIGN AFFAIRS
37, QUAI D'ORSAY
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PARIS

WITH ONE COPY TO

FRENCH DELEGATION TO OECD
2L, RUE OCTAVE - FEUILLET
PARIS

NETHERLANDS:

DIRECTOR FOR INDUSTRIAL ORGANIZATION
MINISTRY OF ECONOMIC AFFAIRS
BEZUIDENHOUTSEWEG 30
THE HAGUE

BELGIUM:

M. G. DECOSTER
PREMIER CONSEILLER
CHEF DU SERVICE DE L'ORGANIZATION PROFESSIONNELLE ET DU
CONTENTIEUX ECONOMIQUE
MINISTERE DES AFFAIRS ECONOMIQUES
26, RUE J.A. DE MOT
B-1040 BRUSSELS

OECD DOES NOT LIST A SPECIFIC OFFICE IN SWITZERLAND WHICH
SHOULD BE NOTIFIED. EMBASSY SHOULD USE ITS DISCRETION IN
DETERMINING WHICH OFFICE TO NOTIFY. SISVT

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